



General Assembly

**Amendment**

January Session, 2009

LCO No. 8680

**\*SB0066408680SD0\***

Offered by:

SEN. LOONEY, 11<sup>th</sup> Dist.

SEN. PRAGUE, 19<sup>th</sup> Dist.

To: Subst. Senate Bill No. 664

File No. 243

Cal. No. 226

**"AN ACT CONCERNING BILLING FOR ASSISTED LIVING SERVICES COVERED BY LONG-TERM CARE INSURANCE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subdivision (1) of subsection (a) of section 38a-226c of the  
4 general statutes is repealed and the following is substituted in lieu  
5 thereof (*Effective October 1, 2009*):

6 (1) Each utilization review company shall maintain and make  
7 available procedures for providing notification of its determinations  
8 regarding certification in accordance with the following:

9 (A) Notification of any prospective determination by the utilization  
10 review company shall be mailed or otherwise communicated to the  
11 provider of record or the enrollee or other appropriate individual  
12 within two business days of the receipt of all information necessary to  
13 complete the review, provided any determination not to certify an

14 admission, service, procedure or extension of stay shall be in writing.  
15 After a prospective determination that authorizes an admission,  
16 service, procedure or extension of stay has been communicated to the  
17 appropriate individual, based on accurate information from the  
18 provider, the utilization review company may not reverse such  
19 determination if such admission, service, procedure or extension of  
20 stay has taken place in reliance on such determination.

21 (B) Notification of a concurrent determination shall be mailed or  
22 otherwise communicated to the provider of record within two business  
23 days of receipt of all information necessary to complete the review or,  
24 provided all information necessary to perform the review has been  
25 received, prior to the end of the current certified period and provided  
26 any determination not to certify an admission, service, procedure or  
27 extension of stay shall be in writing.

28 (C) The utilization review company shall not make a determination  
29 not to certify based on incomplete information unless it has clearly  
30 indicated, in writing, to the provider of record or the enrollee all the  
31 information that is needed to make such determination.

32 (D) Notwithstanding subparagraphs (A) to (C), inclusive, of this  
33 subdivision, the utilization review company may give authorization  
34 orally, electronically or communicated other than in writing. If the  
35 determination is an approval for a request, the company shall provide  
36 a confirmation number corresponding to the authorization.

37 (E) Except as provided in subparagraph (F) of this subdivision with  
38 respect to a final notice, each notice of a determination not to certify an  
39 admission, service, procedure or extension of stay shall include in  
40 writing (i) the principal reasons for the determination, (ii) the  
41 procedures to initiate an appeal of the determination or the name and  
42 telephone number of the person to contact with regard to an appeal  
43 pursuant to the provisions of this section, and (iii) the procedure to  
44 appeal to the commissioner pursuant to section 38a-478n.

45 (F) Each notice of a final determination not to certify an admission,

46 service, procedure or extension of stay shall include in writing (i) the  
47 principal reasons for the determination, (ii) a statement that all internal  
48 appeal mechanisms have been exhausted, and (iii) a copy of the  
49 application and procedures prescribed by the commissioner for filing  
50 an appeal to the commissioner pursuant to section 38a-478n. Each  
51 utilization review company shall provide a copy of all information  
52 received by the utilization review company to complete its review to  
53 the enrollee and provider not later than five days after a final  
54 determination not to certify an admission, service, procedure or  
55 extension of stay is made."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2009</i>	38a-226c(a)(1)
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